

**CIVIL SERVICE COMMISSION MINUTES  
JULY 18, 2007**

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

Present were:

Francesca Krauel  
W. Dale Bailey  
Cheryl Fisher  
A.Y. Casillas  
Barry I. Newman

Absent was:

None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zmary, Executive Officer  
William D. Smith, Senior Deputy County Counsel  
Selinda Hurtado-Miller, Reporting

**Approved  
Civil Service Commission  
September 5, 2007**

COUNTY OF SAN DIEGO  
CIVIL SERVICE COMMISSION MINUTES  
JULY 18, 2007

NO CLOSED SESSION.

2:30 p.m.      OPEN SESSION: Room 358, 1600 Pacific Highway, San  
Diego, California

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<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
5,7,9	16	5,6,7,8	17,18,19

COMMENTS: Motion by Newman to approve all items not held for  
discussion; seconded by Casillas. Carried.

**OPEN SESSION AGENDA**  
**County Administration Center, Room 358**

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and approved by the Commission President. **Please be sure to silence your cell phones and pagers.**

**MINUTES**

1. Approval of the Minutes of the regular meeting of June 6, 2007.

**Approved.**

**CONFIRMATION OF ASSIGNMENT**

2. Commissioner Krauel: Julie Buechler, Esq., on behalf of **2007-12**, appealing two Orders from the Sheriff's Department.

**Confirmed.**

3. Commissioner Casillas: **Milton Jeffries**, Equipment Operator, appealing an Order of Suspension and Charges from the Department of Public Works (DPW).

**Confirmed.**

4. Commissioner Bailey: **2007-13**, appealing an Order from the Sheriff's Department.

**Confirmed.**

## **DISCRIMINATION**

### **Complaints**

5. **Maria Sinsay**, former Human Services Specialist, alleging racial discrimination by the Health and Human Services Agency.

RECOMMENDATION: Assign an Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

Vernon Green, Worksite Organize, SEIU Local 221 addressed the Commission on behalf of Ms. Sinsay. Mr. Green expressed that the Union was very interested in the investigation into Ms. Sinsay's allegations because there have been several other allegations coming from that same Agency.

**Staff recommendation approved. Commissioner Newman assigned.**

6. **Marin Garrison**, Equipment Operator, alleging retaliation discrimination by the DPW.

RECOMMENDATION: Assign an Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

**Staff recommendation approved. Commissioner Fisher assigned.**

7. **Fred Kuhlman**, Senior Equipment Operator, alleging retaliation and age discrimination by the DPW and requesting the issuance of a temporary order by the Commission to maintain the status quo. (See Item No. 10 below)

RECOMMENDATION: Assign an Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back. Deny request to issue a temporary order to maintain status quo regarding revoking his failure of probation. Grant request to issue a temporary order to maintain status quo relating to DPW permanently filling the Sanitation Regional Supervisor position until discrimination complaints are adjudicated.

Laurie Szymanski, Sr. DPO for the Department of Public Works stated that the Department would like to go ahead with the recruitment process, but because there are two open positions, the Department would like to fill one, and leave the other position vacant until after the Rule VI investigation that Mr. Kuhlman brings forth herein.

**Re Rule VI:** Staff recommendation approved.  
Commissioner Fisher assigned.

**Re Status Quo issue:** Motion by Casillas to maintain status quo relating to the DPW permanently filling one Sanitation Regional Supervisor position until the discrimination matter has been completed. Seconded by Fisher. Motion Carried.

8. **Regina Micone**, Supervising Nurse, alleging age and race discrimination by the Health and Human Services Agency.

RECOMMENDATION: Assign an Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

Staff recommendation approved. Commissioner Krauel assigned.

## INVESTIGATIONS

### Request

9. **Linda Bridgeman-Smith, Bill Crane, Louise Lecklitner and John Oldenkamp**, Alcohol and Drug Program Specialists III, requesting a Rule XI investigation regarding Compensation Ordinance Section 1.7.27.

RECOMMENDATION: Deny Request.

Linda Bridgeman-Smith spoke on behalf of herself, Bill Crane, Louise Lecklitner and John Oldenkamp. She asked for a Rule XI investigation regarding the compensation difference between Alcohol and Drug Program Specialists III in the Probation Department and HHSA. She contested that the two-tiered compensation structure violates the merit system and creates favoritism.

Dennis Floyd, Sr. Deputy County Counsel, on behalf of HHSA and DHR, stated that a Rule XI investigation in this matter would be an investigation into the actions of the Board of Supervisors, which the Commission is not empowered to do.

Discussion ensued among the Commissioners, Dennis Floyd, Sr. Deputy County Counsel, William Smith, Sr. Deputy County Counsel and Ms. Bridgeman-Smith. The Commission denied the request because the Board of Supervisors has exclusive authority to set the rate of compensation.

Commissioner Newman suggested that DHR make an effort to explain what the differential is and to provide Ms. Bridgeman-Smith *et al.*, rationale for its original recommendation to designate premium pay for those ADPS III positions that work in the *Juvenile Drug Court Program*.

**Motion by Casillas to deny the request; seconded by Krauel. Carried.**

#### **LIBERTY INTEREST**

##### **Request**

10. **Fred Kuhlman**, Senior Equipment Operator, requesting a Liberty Interest hearing regarding his failure of probation in the classification of Sanitation Regional Supervisor by the DPW. (See Item No. 7 above.)

RECOMMENDATION: Deny Request.

**Staff recommendation approved.**

#### **SELECTION PROCESS**

##### **Findings**

11. **Thy M. Le**, appealing the Department of Human Resources' removal of his name from the employment list for Deputy Sheriff Cadet.

12. **Veronica Jimenez**, appealing the Department of Human Resources' removal of her name from the employment list for Correctional Deputy Probation Officer.

13. **Joanna H. Nuno**, appealing the Department of Human Resources' removal of her name from the employment list for Deputy Sheriff Cadet-Detentions/Court Services.

14. **Scott K. Pownall**, appealing the Department of Human Resources' removal of his name from the employment list for Deputy Sheriff Cadet.

RECOMMENDATION: Ratify Item Nos. 11 - 14. Appellants have been successful in the appellate process provided by Civil Service Rule 4.2.2.

**Item Nos. 11-14 Ratified.**

## **OTHER MATTERS**

### **Extension of Temporary Appointments**

15. Department of Child Support Services

14 Child Support Officers (Michelle Garcia, Rosa Villasenor, Esmeralda Madrigal, Silvia Huerta, Hilda Hernandez, Fabiola Ramirez, Felicia Pyatt, Rocio Martinez, Don Malonzo, Marina Luna, Aldercy Cendana, Sukey Cardenas, Esmeralda Astiazaran, Cherie Andrews,

RECOMMENDATION: Ratify.

### **Item No. 15 Ratified.**

16. Selection Process Briefing: Department of Human Resources staff.

**Continued to the September 5, 2007 Civil Service Commission meeting.**

## **INFORMATION**

17. **James Moore**, former Senior IT Engineer, withdrawal of appeal of an Order of Termination and Charges from the Sheriff's Department. (Commissioner Krauel)

**Withdrawn.**

18. Julie Buechler, Esq., on behalf of **2007-11**, withdrawal of appeal of an Order from the Sheriff's Department. (Commissioner Fisher)

**Withdrawn.**

19. Julie Buechler, Esq., on behalf of **2007-09**, withdrawal of appeal of an Order from the Sheriff's Department. (Commissioner Casillas)

**Withdrawn**

20. Public Input.

ADJOURNED: 4:00 p.m.

**NEXT MEETING OF THE CIVIL SERVICE COMMISSION: SEPTEMBER 5, 2007**